

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

SHARON MARIE DORSEY,

Plaintiff,

vs.

Civil Action 2:14-cv-1604
Judge Smith
Magistrate Judge King

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

REPORT AND RECOMMENDATION

This is an action under 42 U.S.C. § 405(g) for review of a final decision of the Commissioner of Social Security denying plaintiff's applications for disability insurance benefits and supplemental security income. The administrative record was filed on November 20, 2014, ECF 13, and plaintiff's statement of errors was due February 18, 2015. *Order*, ECF 15; *Order*, ECF 18. Plaintiff's counsel moved for leave to withdraw, representing that plaintiff no longer communicated with him. *Motion to Withdraw*, ECF 16. Although plaintiff was granted an opportunity to oppose that motion, *Order*, ECF 17, plaintiff did not object to her counsel's withdrawal. The motion for leave to withdraw was therefore granted. *Order*, ECF 18. Plaintiff was reminded that her statement of errors was due by February 18, 2015 and that her failure to file the statement of errors would be construed as an abandonment of the litigation and would likely result in the dismissal of the case. *Id.* Plaintiff has not filed the required statement of errors. It

appears that plaintiff has abandoned the prosecution of this case.

It is therefore **RECOMMENDED** that this action be dismissed for failure to prosecute.

If any party seeks review by the District Judge of this *Report and Recommendation*, that party may, within fourteen (14) days, file and serve on all parties objections to the *Report and Recommendation*, specifically designating this *Report and Recommendation*, and the part thereof in question, as well as the basis for objection thereto. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Response to objections must be filed within fourteen (14) days after being served with a copy thereof. Fed. R. Civ. P. 72(b).

The parties are specifically advised that the failure to object to the *Report and Recommendation* will result in a waiver of the right to *de novo* review by the District Judge and waiver of the right to appeal the judgment of the District Court. *See, e.g., Pfahler v. Nat'l Latex Prod. Co.*, 517 F.3d 816, 829 (6th Cir. 2007) (holding that "failure to object to the magistrate judge's recommendations constituted a waiver of [the defendant's] ability to appeal the district court's ruling"); *United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005) (holding that defendant waived appeal of district court's denial of pretrial motion by failing to timely object to magistrate judge's report and recommendation). Even when timely objections are filed, appellate review of issues not raised in those objections is waived. *Robert v. Tesson*, 507 F.3d 981, 994 (6th Cir. 2007) ("[A] general objection to a magistrate judge's report, which

fails to specify the issues of contention, does not suffice to preserve an issue for appeal" (citation omitted)).

s/Norah McCann King

Norah M^cCann King

United States Magistrate Judge

February 19, 2015